REMARKS

I. Status of Claims

Claims 1-13 are pending. Claims 1, 2, 11, and 12 are independent. Claims 3 and 4 are currently amended.

Claims 3-4 are objected to under 37 CFR 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 1-13 stand rejected under 35 USC 112, first paragraph, because the specification is allegedly not enabling.

Claims 3-4 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 1 stands rejected under 35 USC 102(b) as allegedly being anticipated by Ueno et al. (USP 4,756,718) ("Ueno").

Claim 11 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Ueno in view of either JP 09-266004 (JP '004) or Hirakata (USPGPUB 2003/0134167) (Hirakata).

The Office Action indicates that claims 2-10 and 12-13 would be allowable over the prior art of record if they were rewritten to overcome the 35 USC 112, first and second, paragraph rejections.

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

II. Allowable Subject Matter

The Office Action indicates that claims 2-10 and 12-13 would be allowable over the prior art of record if they were rewritten to overcome the 35 USC 112, first and second, paragraph rejections.

III. Claim Objections and 35 USC 112, second paragraph, Rejections

Claims 3-4 are objected to under 37 CFR 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 3-4 are amended to obviate any perceived ambiguity. Thus, withdrawal of this objection is respectfully requested.

IV. 35 USC 112, first paragraph, Rejections

Claims 1-13 stand rejected under 35 USC 112, first paragraph, because the specification is allegedly not enabling.

The Applicant respectfully requests reconsideration of this rejection because the claims as presently drafted are enabled by at least the following portions of the specification:

> The multiple electrostatic delivery electrodes 37 are interposed between a lower insulator layer 37a and an upper insulator layer 37b on ***the bottom of grooves 36b, which define the oxidizing gas conduits 36,*** and are arrayed along the path going from the inlet to the outlet, as shown in FIG. 4. *See* paragraph [0026] of the application as published. *See* paragraph [0026] of the application as published.
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> The multiple electrostatic delivery electrodes 37 are arrayed along the path going from the inlet to the outlet of the respective oxidizing gas conduits 36, as shown in FIGS. 3 and 4. ***The electrostatic delivery electrodes 37 are placed on the lower insulator layer 37a, which covers the bottom surface of the grooves 36b of the respective oxidizing gas conduits 36***, and are covered with the upper insulator layer 37b. *See* paragraph [0030] of the application as published. The voltage application unit 70 applies the voltages to the multiple electrostatic delivery electrodes 37 to make an apparent positive-negative variation in voltage toward the outlet of the oxidizing gas conduits 36. This arrangement efficiently leads the flocculated water in the oxidizing gas conduits 36 to the oxidizing gas exhaust manifold M3. ***The multiple electrostatic delivery electrodes 37 are arrayed on the bottom of the grooves*** 36b of the oxidizing gas conduits 36 formed on the separator 40, which are not to be in contact with the cathode 33, and are covered with the lower insulator layer 37a and the upper insulator layer 37b. *See* paragraph [0039] of the application as published.

As is evidenced by these portions of the specification, it is respectfully submitted that the

grooves 36b define the conduits 36, and the electrodes 37 are located within insulating layers 37a, b (the lower one of which is placed on the bottom of the groove). Thus, the electrodes are located within the insulating layers 37a, 37b, which are located within the grooves, which form the conduits. Accordingly, the electrodes are located within the conduits. Thus, the Applicant respectfully requests withdrawal of these rejections.

V. Pending Claims

Independent claims 1 and 11 stand rejected under 35 USC 102(b) as allegedly being anticipated by Ueno. Similarly, claim 11 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Ueno in view Hirakata.

The Applicant respectfully submits that claims 1 and 11 are patentable over Ueno and/or Hirakata at least because they recite, *inter alia*, "…an electrostatic delivery module that is provided in at least one of said fuel gas conduit and said oxidizing gas conduit and effectuates electrostatic delivery of water droplets flocculated in said at least one gas conduit to deliver the water droplets out of said gas conduit."

The Applicant respectfully submits that Ueno merely discloses that by applying an electric field from an external electrode across two faces of each unit cell, aqueous phosphoric acid solution in the matrix is electrostatically attracted to the electrode. This results in wetting of the catalyst by the aqueous phosphoric acid solution. The catalyst wets, with aqueous phosphoric acid solution, by electrostatically delivering aqueous phosphoric acid solution in the matrix to ribbed electrodes (See FIG. 3). However, in contrast to the certain embodiments of the present invention, Ueno does not describe electrostatically delivering water droplets in ribs of the ribbed electrodes (i.e., the gas conduit) out of the ribs.

Thus, the Applicant respectfully submits that Ueno does not describe an electrostatic delivery module that is provided in at least one of said fuel gas conduit and the oxidizing gas conduit and effectuates electrostatic delivery of water droplets flocculated in at least one gas conduit to deliver the water droplets out of the gas conduit as required by the inventions of claims 1 and 11. It is respectfully submitted that "[a] claim is anticipated only if each and every

element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Also, the Applicant respectfully submits that Hirakata does not cure the deficiencies of Ueno.

Further, the other cited references (including Hirakata) do not address the deficiencies of Ueno. As discussed in *KSR Int'l Co. v. Teleflex, et al.,* No. 04-1350, (U.S. Apr. 30, 2007), the Applicant respectfully submits that it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to combine alleged prior art elements in the manner as claimed by the Applicant. Obviousness cannot be sustained on mere conclusory statements.

Therefore, for at least these reasons, it is respectfully submitted that, claims 1 and 11 are patentable over Ueno and the other cited references.

VI. Conclusion

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance. The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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